

**PUBLIC NOTICE**  
**Regular Business Meeting Agenda**  
**Public Employment Relations Board**  
**June 13, 2013 ~ 10:00 a.m.\***

**LOCATION:** Public Employment Relations Board\*\*  
1031 18th Street, First Floor, Room 103, Sacramento, CA

1. Roll Call
2. Adoption of Minutes: April 11, 2013 meeting
3. Public Comment: This is an opportunity for the public to address the Board on issues not scheduled on today's agenda. The Board cannot act on those items but may refer matters to staff for review and possible Board action at a future, publicly noticed meeting.
4. Staff Reports: The following reports will be received. Any matter requiring Board action, and not included on this agenda, will be calendared for a subsequent public Board meeting.
  - A. Administrative Report
  - B. Legal Reports
    - i. General Counsel Report
    - ii. Chief Administrative Law Judge Report
  - C. State Mediation and Conciliation Service (SMCS) Report
  - D. Legislative Report
5. Public Hearing on Proposed Rulemaking: Staff presentation of proposals to adopt and amend various PERB regulations, as described in Notices of Proposed Rulemaking published in the April 26, 2013 California Regulatory Notice Register. Immediately following the staff presentation on each of the following rulemaking packages, the public will have the opportunity to comment on the proposed changes to the regulations.

*\*Oral Argument in City of Lompoc (LA-CO-100-M/LA-CE-555-M et al.) is scheduled to begin at 2:00 p.m. (see page two).*

*\*\*This meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request no later than five working days before the meeting to the Board by contacting Ms. Regina Keith at 916.322.8226 or sending a written request to Ms. Keith at PERB, 1031 18<sup>th</sup> Street, Sacramento, California 95811. Requests for further information should also be directed via telephone or writing to Ms. Keith. Additional information is also available on the internet at [www.perb.ca.gov](http://www.perb.ca.gov).*

- A. Rulemaking package includes proposed changes concerning the appealability of a Board agent's determination of the sufficiency of a factfinding request made pursuant to the Meyers-Milias-Brown Act (MMBA). This change would delete the regulation text that prohibits an appeal of a determination of the sufficiency of a factfinding request made pursuant to the MMBA to the Board.
  - B. Rulemaking package includes the proposed adoption of regulations providing for and describing the election services and processes related thereto for representation and agency shop elections conducted by SMCS pursuant to the local rules of an MMBA, Trial Court Act or Court Interpreter Act employer. These proposed regulations define "Parties," describe ballots, and provide for stays of an election, notice requirements, voter list requirements, voter eligibility requirements, challenge processes, tallying of ballots, resolution of challenges, objection processes, hearings on objections and challenges, and filing of exceptions to decisions on objections and challenges.
6. Old Business: After closing the public hearing, the Board will consider the adoption and amendment of regulations as described in the Notices of Proposed Rulemaking published in the April 26, 2013 California Regulatory Notice Register.

7. New Business

(Recess until 2:00 p.m.)

8. Oral Argument: The following case will be argued at this meeting:

*City of Lompoc v. Lompoc Police Officers Association; Lompoc Police Officers Association v. City of Lompoc*  
Unfair Practice Charge Nos. LA-CO-100-M, LA-CE-555-M, LA-CE-564-M, LA-CE-585-M

Issue to Be Argued: In light of Government Code section 3511, does PERB have the authority to issue a remedial order applicable to a (mixed) bargaining unit that includes non-peace officer and peace officer classifications? If so, what is the source and scope of PERB's authority; and what is the relevance of the peace officer exclusion as set forth in Government Code section 3511 as it applies to mixed units?

9. Recess to Closed Session: The Board will meet in a continuous closed session each business day beginning immediately upon recess of the open portion of this meeting through August 8, 2013.

The purpose of these closed sessions will be to deliberate on cases listed on the Board's Docket (Gov. Code sec. 11126(c)(3)), personnel (Gov. Code sec. 11126(a)), pending litigation (Gov. Code sec. 11126(e)(1)), and any pending requests for injunctive relief (Gov. Code sec. 11126(e)(2)(c)).